

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION

United States of America,) Cr. No. 4:00-67-CMC
)
)
-versus-)
) **OPINION and ORDER**
)
Ronald Eustache,)
)
Defendant.)
_____)

This matter is before the court on Defendant's motion for reconsideration pursuant to Federal Rule of Civil Procedure 59(e).

The Fourth Circuit Court of Appeals has interpreted Rule 59(e) of the Federal Rules of Civil Procedure to allow the court to alter or amend an earlier judgment: ““(1) to accommodate an intervening change in controlling law; (2) to account for new evidence not available at trial; or (3) to correct a clear error of law or prevent manifest injustice.”” *Becker v. Westinghouse Savannah River Co.*, 305 F.3d 284, 290 (4th Cir. 2002) (quoting *Pac. Ins. Co. v. Am. Nat'l Fire Ins. Co.*, 148 F.3d 396, 403 (4th Cir. 1998)). “Whatever may be the purpose of Rule 59(e) it should not be supposed that it is intended to give an unhappy litigant one additional chance to sway the judge.” *Atkins v. Marathon LeTourneau Co.*, 130 F.R.D. 625 (S.D. Miss. 1990).

Defendant argues that this court failed to properly decide his previously-filed motion for relief under Rules 60(b)(4) and (b)(5) of the Federal Rules of Civil Procedure. Mot. at 5. Defendant contends that he “never received adjudication on his sentencing claim in the 2003 2255 motion.” *Id.* at 6.

Defendant' argument is frivolous and is **denied**.

IT IS SO ORDERED.

s/ Cameron McGowan Currie
CAMERON McGOWAN CURRIE
SENIOR UNITED STATES DISTRICT JUDGE

Columbia, South Carolina
October 4, 2013